

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

ALVIN LIONEL BROWN, JR.

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:12cv859-HTW-LRA

**TYRONE LEWIS, SHERIFF OF
HINDS COUNTY, MISSISSIPPI, and the
STATE OF MISSISSIPPI**

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the court pursuant to the Report and Recommendation of United States Magistrate Judge Linda Anderson which clearly notified the respective parties in the above-styled and numbered cause that failure to file written objections to the findings and recommendations contained therein within fourteen (14) days from the date of filing would bar further appeal in accordance with Title 28 U.S.C. § 636, and this court, finding that there has been no submission of written objections by any party, hereby adopts said Report and Recommendation as the order of this court.

Accordingly, this court hereby dismisses the petitioner's petition for his failure to state a claim upon which habeas relief may be granted, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, or in the alternative, for failure to exhaust available state remedies. Any pending motions should be dismissed as moot.

SO ORDERED, this the 30th day of August, 2013.

**s/ HENRY T. WINGATE
UNITED STATES DISTRICT JUDGE**